

VFW



LAW OFFICES OF

SYNNESTVEDT & LECHNER LLP

2600 ARAMARK TOWER
1101 MARKET STREET
PHILADELPHIA, PA 19107-2950
TELEPHONE (215) 923-4466
FACSIMILE (215) 923-2189
E-MAIL synnlech@synnlech.com
www.synnlech.com

July 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of N. Cashman and M. Lehto

Examiner: NYA

Application No.: 10/568,729

Art Unit: NYA

Filed: February 17, 2006

Confirmation No. 7149

Title: Epitope Protection Assay And Method For Detecting Protein Conformations

(Attorney Docket No. P 31,382 USA)

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any other papers indicated as being enclosed, are being deposited with the United States Postal Service, postage prepaid, as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Monday, July 10, 2006.

Janet M. Karrmann

Janet M. Karrmann

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Reply to Notification of Missing Requirements Under
35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US)

Dear Sir:

In response to the Notice to File Missing Parts dated May 10, 2006, enclosed herewith for filing are the following documents:

- A) Copy of the originally executed Combined Declaration and Power of Attorney, signed by inventors;

In re Application of N. Cashman and M. Lehto
Application No. 10/568,729
Filed February 17, 2006

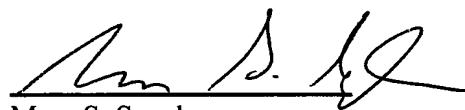
Attorney Docket No. P31,382 USA
July 10, 2006
Page: 2

- B) Preliminary Amendment Under 37 C.F.R. §1.115 Submitted Prior to the First Examination and Action;
- C) Sequence Listing in written form;
- D) Sequence listing in computer readable form (CD);
- E) Transmittal Letter Under 37 C.F.R. § 1.52 For Compact Discs And Statements Under 37 C.F.R. §§ 1.821(f) And 1.825(a) Regarding Sequence Listing Submissions Subsequent To Filing;
- F) Amendment Transmittal Letter (Small Entity);
- G) Copy of Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US)
- H) USPTO Form 2038 in the amount of \$65.00; and
- I) Copy of this Reply.

Please charge any deficiency or credit any overpayment to Deposit Account No. 19-5425.

Respectfully submitted,

07/19/2006 GFREY1 00000069 10568729
01 FC:2617 65.00 0P


Marc S. Segal
Registration No. 40,163

SYNNESTVEDT & LECHNER LLP
Suite 2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107
Telephone: (215)923-4466
Facsimile: (215)923-2189



UNITED STATES PATENT AND TRADEMARK OFFICE

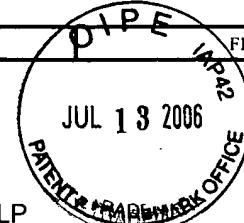
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

PCT-S

CC

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/568,729 | Neil Cashman | P31382USA |

23307
 SYNNESTVEDT & LECHNER, LLP
 2600 ARAMARK TOWER
 1101 MARKET STREET
 PHILADELPHIA, PA 191072950



7-10-06

| INTERNATIONAL APPLICATION NO. | |
|-------------------------------|---------------|
| PCT/CA04/01503 | |
| I.A. FILING DATE | PRIORITY DATE |
| 08/20/2004 | 08/20/2003 |

CONFIRMATION NO. 7149

371 FORMALITIES LETTER



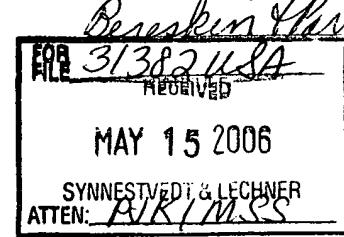
OC000000018737403

Date Mailed: 05/10/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/17/2006
- Copy of the International Search Report filed on 02/17/2006
- Preliminary Amendments filed on 02/17/2006
- Oath or Declaration filed on 02/17/2006
- Request for Immediate Examination filed on 02/17/2006
- U.S. Basic National Fees filed on 02/17/2006
- Assignment filed on 02/17/2006
- Priority Documents filed on 02/17/2006
- Specification filed on 02/17/2006
- Claims filed on 02/17/2006
- Abstracts filed on 02/17/2006
- Drawings filed on 02/17/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/568,729 | PCT/CA04/01503 | P31382USA |

FORM PCT/DO/EO/905 (371 Formalities Notice)

AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): N. Cashman and M. Lehto

Docket No.

P31,382 USA

| | | | | | |
|-------------------------------|---------------------------|-----------------|-----------------------|-----------------------|--------------------------|
| Application No. 10/568,729 | Filing Date 02/17/2006 | Examiner NYA | Customer No. 23307 | Group Art Unit NYA | Confirmation No. 7149 |
|-------------------------------|---------------------------|-----------------|-----------------------|-----------------------|--------------------------|

Invention: Epitope Protection Assay and Method for Detecting Protein Conformations


COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

- Applicant claims small entity status. See 37 CFR 1.27

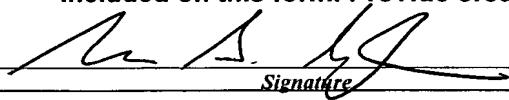
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
|---|-------------------------------------|-----------------------------|--------------------------------|------------|-------------------|
| TOTAL CLAIMS | 49 - | 49 = | 0 | x \$25.00 | \$0.00 |
| INDEP. CLAIMS | 7 - | 7 = | 0 | x \$100.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) | | <input type="checkbox"/> | | | \$0.00 |
| | | | | | \$0.00 |
| | | | | | \$0.00 |

- No additional fee is required for amendment.
 Please charge Deposit Account No. _____ in the amount of _____
 A check in the amount of _____ to cover the filing fee is enclosed.
 The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19/5425
 Any additional filing fees required under 37 C.F.R. 1.16.
 Any patent application processing fees under 37 CFR 1.17.
 Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: July 10, 2006

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on July 10, 2006 to Mail Stop Missing Parts
(Date)

Marc S. Segal, Esquire
Registration No. 40,163
Synnestvedt & Lechner LLP
1101 Market Street
Philadelphia, PA 19107
Telephone: (215) 923-4466
Telefax: (215) 923-2189


Signature of Person Mailing Correspondence
Janet Karrmann

Typed or Printed Name of Person Mailing Correspondence

cc: